

REMARKS

Claims 85, 88-92, 94-96, 98-99, 101, 104, 107-108, 113-117, 119, 122-126, 128-130, 132-133, 135, 140-141, 146-152, 154, 157, 159 and 162-163 are currently pending in the application. Claims 1-84, 86-87, 93, 97, 100, 102-103, 105-106, 109-112, 118, 120-121, 127, 131, 134, 136-139, 142-145, 153, 155-156, 158, 160-161 have been previously cancelled. Claims 98, 122, 123, 150 and 152 are amended to correct minor editorial omissions. Claims 85 and 119 are amended to correct antecedent basis. Claim 150 is amended to correct a minor typographical error. Claim 152 is amended to correct dependency. No new matter is entered by way of these amendments.

Claim Objections

The Examiner has objected to claim 119 and dependents thereof for reciting “comprising polynucleotide encoding” instead of “comprising a polynucleotide encoding.” The claims have been amended to correct this error. Applicants respectfully request that this objection be withdrawn.

Claim Rejections – 35 USC §112, second paragraph

Claims 85, 88-92, 94-96, 98, 99, 101, 104, 107, 108, 113-117, 119, 122-126, 128-130, 132, 133, 135, 140, 141, 146-152, 154, 157, 159, 162 and 163 are rejected under 35 USC 112, second paragraph, as being indefinite.

Specifically, the Examiner states that there is insufficient antecedent basis for the recitation in claim 85 which states “said partial or complete PIV vector genome”, because claim 85 does not refer to a “vector” genome prior to the recitation of “said partial or complete PIV vector genome.” Claim 85 is amended to delete the term “vector”, and the phrase “of the vector PIV.” Claim 119 is similarly amended. Accordingly, Applicants respectfully request the rejection be reconsidered and withdrawn.

The Examiner also states that claim 152 is indefinite for depending on cancelled claims. Claim 152 is amended to correct dependency, including removing dependency upon canceled claims 120 and 121. Accordingly, Applicants respectfully request the rejection be reconsidered and withdrawn.

Rejection for non-statutory double-patenting

09/083, 793

Claims 85, 88-92, 94-96, 98, 99, 101, 104, 107, 108, 113-117, 119, 122-126, 128-130, 132, 133, 135, 140, 141, 146-152, 154, 157, 159, 162 and 163 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 144-215 of copending Application No. 09/083, 793. Applicants submit a terminal disclaimer. Accordingly, this rejection is moot.

09/458, 813

Claims 85, 88-92, 94-96, 98, 99, 101, 104, 107, 108, 113-117, 119, 122-126, 128-130, 132, 133, 135, 140, 141, 146-152, 154, 157, 159, 162 and 163 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 53-85 of copending Application No. 09/458, 813. Applicants submit a terminal disclaimer. Accordingly, this rejection is moot.

09/459, 062

Claims 85, 88-92, 94-96, 98, 99, 101, 104, 107, 108, 113-117, 119, 122-126, 128-130, 132, 133, 135, 140, 141, 146-152, 154, 157, 159, 162 and 163 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-30 and 46-74 of copending Application No. 09/459, 062. Applicants submit a terminal disclaimer. Accordingly, this rejection is moot.

09/733, 692

Claims 85, 88-92, 94-96, 98, 99, 101, 104, 107, 108, 113-117, 119, 122-126, 128-130, 132, 133, 135, 140, 141, 146-152, 154, 157, 159, 162 and 163 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 180-

222 of copending Application No. 09/733, 692. Applicants submit a terminal disclaimer. Accordingly, this rejection is moot.

The present application well-describes and claims patentable subject matter. The favorable action of allowance of the pending claims and passage of the application to issue is respectfully requested.


In view of the above amendment, applicant believes the pending application is in condition for allowance.

Should the Examiner contemplate issuance of an Office Action other than a Notice of Allowance, she is respectfully requested to contact Mark J. Nuell (Reg. No. 36,623) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Dated: AUG 25 2006

Respectfully submitted,

By 

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